REMARKS/ARGUMENTS

Claims 1-20 were in the application.

In the last office action, Claims 5, 9, 14, and 18 were held allowable subject to their being rewritten so as not to depend from a rejected base claim. Claims 1-4, 6-8, 10-13, 15-17, and 19-20 were rejected on art.

The Examiner objected to the lack of headings in the specification. Headings following the suggestions of the Examiner have now been added to the specification.

The Examiner also objected to several informalities in the claims. The claims have now been amended to recite that the "cage forms a chamber" in claim 1 and to replace "retention device" with "mobile device" throughout the claims. The errant numeral 10 has been removed from claims 4 and 13 as requested. Reference numerals have also been removed from the claims and Abstract in accordance with U.S. custom and practice.

Turning back to the art, claims 1-4, 11-13, and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Simon. The assertion of anticipation by Simon is respectfully traversed.

Simon does not disclose the retention mechanism described in claim 1. In Simon, the resilient spring mechanism having a resilient wall segment 64 only maintains the needle 12 within the shield (guard housing 40) once it has been withdrawn. There is, however, no retention of the catheter fitting 26 within the shield (guard housing 40). The retention of the hub 22 within the shield

(guard housing 40) is achieved through the use of catheter hub ears 27 that fit within notches 50 (column 7, lines 32-34). Hence, the withdrawal of the needle into the cage does not allow the cage to separate from the catheter base.

The only interaction disclosed in Simon between the resilient wall segment 64 and the catheter fitting 26 is the separation of the catheter 13 from the shield (guard housing 40) (column 9, lines 2-6).

Claim 1 distinguishes from Simon in reciting, inter alia, that "when the needle is withdrawn into the cage until it has moved to the rear of the said hole, the wall which is not traversed by the needle can slide to its up position, lifting the said dog and allowing the cage to separate from the catheter base."

In view of the above, it is respectfully submitted that none of independent claim 1 and claims 2-4, 11-13, and 20 which depend from claim 1, is anticipated by Simon.

Claims 6, 8, 10, 15, 17, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Simon, as applied to claims 1 and 2, and further in view of Ferguson ’962.

Ferguson ’962 does not disclose a trapping device that prevents a needle from exiting through the distal end of a shield. Ferguson’s trapping member 364 does not trap the needle 316 inside the needle shield 300. The only device that enables a limited retention is the retainer 414 which frictionally engages needle 316. However, this does not guarantee the trapping of the needle

within the needle shield, as the frictional force can be overcome by the user.

Nor does Ferguson teach the withdrawal of the needle to cause a wall to slide, and hence to maintain the needle within a needle shield. Claims 6, 8, 10, 15, 17 and 19 are, therefore, not rendered obvious by Simon in view of Ferguson '962.

Claims 7 and 16 were rejected under 35 U.S.c. 103(a) as being unpatentable over Simon and Ferguson '962, as applied to claims 6 and 15, and further in view of Greene et al.

The cited combination of Simon and Ferguson '962 in view of Green et al does not make the claimed combinations obvious. Simon and Green already disclose retention means between the shield and the needle hub, but the retention means do not perform the trapping of the needle inside the shield. The trapping is achieved through other means. Ferguson et al does not suggest the combination of a trapping device and a retention device in one mobile element.

Like Simon, Green et al does not disclose a wall with a hole for the insertion of a needle, which slides when the needle is withdrawn in order to maintain it within the needle shield. According to Green, the retention of the cage with the catheter base is achieved through a notch clip 30, which can flex once the needle is withdrawn (column 5, lines 20-26).

Nor is the dog formed on the mobile device, as is recited in claim 1 of the application, the mobile device also performing the

function of maintaining the needle inside the shield, suggested by the asserted combination of Simon, Ferguson and Green.

For the foregoing reasons, applicant respectfully submits that claims 7 and 16 are not rendered obvious by the combination

The prior art cited but not applied in the rejection is believed to be inapposite to the claims. Moreover, U.S. Patent No. 7,044,935 to Shue is not prior art with respect to the present application which has an effective filing date equal to its priority date of March 2, 2004. Shue's U.S. filing date is April 15, 2004 and its foreign priority date does not make it prior art.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

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Abstract of the Disclosure

The invention relates to positioning a cannula in a vein. A tab is provided on a movable member having a wall with a through-hole therein for inserting a needle in such a way that inserting the needle into the through-hole holds the tab in a retaining position on a flange of the base of a catheter, wherein the wall is transversely slidably mounted in the chamber of the needle stick guard relative to the needle between a lower retaining position and upper release position so that when the needle is retracted into the guard and spaced back from the hole, the wall that no longer has the needle extending therethrough can slide into the upper position thereof, thereby raising the tab above the flange of the base and enabling the guard to be separated from the catheter base. The invention is suitable for use in intravenous catheters.